

August 20, 2009

Mr. William J. Mueller,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 09-10: 404 East North Avenue

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village grant conditional uses pursuant to Section 155.416(C)(4) and (5) of the Lombard Zoning Ordinance to allow automobile service and automobile repair in the B4 Corridor Commercial Shopping District.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 20, 2009.

Robert Labno, 404 E. North Avenue, presented the petition. He stated that they are currently trying to improve their business by adding a service area. He is present to ask for permission to open a service area. He stated that he did not have much else to say but that he would answer any questions.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition.

Suzanne Gagliano, 2N130 LaLonde Avenue, stated that since the two dealerships opened up they use her street as drag strip. She has seen cars going more than 25 mph and has called the police. She is concerned about the safety of children in the neighborhood. They don't have sidewalks because they are incorporated. She stated that she has asked the dealerships to stop but they have not. A few weeks ago, the police caught one employee driving without a driver's license. She stated that she would like the block capped off if necessary. She is worried that a service area would bring more traffic. She stated that she is just asking that they don't test drive cars in the neighborhood anymore.

Charles Marston, 2N040 LaLonde Avenue, stated that he had basically the same things to say. He stated that he has been down to confront them and has gotten no satisfaction. He stated that he lives close to the place and that they fix racing cars and the cars have no mufflers. At 10 p.m., they are firing them up and

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this wakes him up. He has called the Sherriff's Office and because it's a low priority call they are shut down by the time they arrive. He asked if the Plan Commission had received their letters.

Chairperson Ryan stated yes.

Mr. Labno responded to their concerns. Regarding driving in the street, they do not have a problem with the street being blocked. It is an open street, but he admits the issues with fast cars in the area in the past. He stated that they are now under new management so he can't be sure what happened before. However, the issue has been addressed. He also mentioned that another dealership is across the street so there could be traffic generated from the other shop. He admitted that it is a small street with no sidewalks. He has heard that people have gone over the speed limit. He mentioned that the service area would be entered from Grace Street so there would be no need for anyone to go up the street.

Mr. Labno stated that the noise from the shop would be the same as any mechanic shop when working on cars. He stated that those living by North Avenue hear heavy traffic with loud trucks. He stated that they will try to limit such noise to before 9 p.m. and try to minimize other noise.

Chairperson Ryan ask if the business hours were until 9 p.m. Mr. Lando stated that the business closes at 9 p.m. but occasionally there could be a customer finalizing a deal. However, there is no need for them to race cars up and down the block. Most customers would want to go on North Avenue or the expressway and take a faster route.

Chairperson Ryan asked if the shop is under new ownership. Mr. Lando stated that the ownership is the same but they are under new management.

Chairperson Ryan then requested the staff report.

Stuart Moynihan, Associate Planner, presented the staff report. The petitioner is currently the operator of an automobile dealership at 404 E. North Avenue. The motor vehicle sales use was approved as a conditional use by Ordinance 6161 (PC 08-05) in October 2008. In a letter submitted during the staff review of PC 08-05, European Auto Exchange stated that no oil changes or major mechanical work would occur on the premises and that all major repair and body work would be done at another facility. Since that time, European Auto Exchange has performed some automotive service and minor repairs at the 404 E. North Avenue facility. To perform these services a vehicle lift has been installed within the building on the subject property. Therefore, staff informed the petitioner that conditional uses for automobile service and automobile repair would be necessary.

Conditional uses for the subject property were approved in March 1999 (PC 99-06 Ordinance 4599) and in November 2000 (PC 00-46, Ordinance 4907) for motor vehicle sales. However, since the approval was not acted upon within twelve months, the conditional use became null and void. In October of 2008, the current occupant of the property received a conditional use through PC 08-05 for motor vehicle sales.

On March 19, 2009, a Bureau of Inspection Services (BIS) inspector discovered that a vehicle lift had been installed inside the garage door at the northern side of building. The inspector was informed that the lift was being used for oil changes and minor vehicle service. As no permit had been issued, BIS notified European Auto Exchange that a permit was necessary for the lift.

Following the inspection, BIS notified Planning Services staff of the use of the lift. As the Zoning Ordinance lists automobile service and automobile repair as conditional uses in the B4 District, staff contacted the petitioner informing them that a conditional use for automobile service is required. The petitioner also acknowledged that some minor vehicle repairs were being performed at the facility. Staff informed the petitioner that this would require a second conditional use for automobile repair. The petitioner has since applied for a permit for the lift.

The petitioner is proposing to service vehicles which are for sale on the lot and to service vehicles which have been sold and are under warranty. In addition, the petitioner has requested that they be permitted to service race cars which are sponsored by European Auto Exchange and are a hobby of the business owner.

As part of PC 08-05, the petitioner submitted a site plan and landscape plan which did not accurately reflect the features and dimensions of the property. The inaccuracies included a depiction of greater parkway width along North Avenue than is present at the site and a strip of grass approximately twelve feet (12') in width located along the northern property line that is not present at the site. Approximately one hundred feet (100') of this strip, beginning at the northeastern corner of the property and extending westward, is in fact asphalt parking. As a corrective measure, the petitioner has submitted a new landscape plan which accurately depicts the property.

The Comprehensive Plan recommends Community Commercial at this location. As the use on the property will remain commercial retail with an added service component, the proposed use complies with the recommendation of the Comprehensive Plan.

Staff notes that the service and repair of race cars is not representative of a commercial operation on the property. It is the opinion of staff that service and repair of automobiles should be limited to vehicles for sale by European Auto Exchange and the personal automobiles of their customers. Therefore, staff is not supportive of the petitioner's request to service and repair race cars on the subject property.

The proposed use is compatible with the surrounding land uses. The properties to the east, south, and west are zoned B4 or B4PD and are development for commercial purposes. The residential properties north of the site are screened by an eight-foot (8') board on board fence and will be further screened by the plantings to be installed by the petitioner along the northern property line.

As a condition of PC 08-05, the petitioner was required to install a "no left turn" sign on the LaLonde Avenue driveway, in order to prevent vehicles from being test driven within the adjacent residential neighborhood to the north. This sign has been installed on the property. Still, staff has received two letters from property owners to the north which express concern about test drives occurring within the residential neighborhood. It is the opinion of staff that

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should the Plan Commission make a motion for approval of this petition it should include a condition which expressly prohibits test drives in the residential neighborhood to the north.

As a condition of PC 08-05, the petitioner was required to submit a Plat of Consolidation to make the subject property a single lot of record. The petitioner has submitted the plat and received comments for revisions. To date, the petitioner has not submitted a final copy of the plat for recording.

The conditions in PC 08-05 also required the petitioner to install sidewalks along all surrounding public rights-of-way for the length of the property. The Subdivision and Development Ordinance requires that these sidewalks be installed. Currently, only one sidewalk exists along North Avenue. Grace Street and LaLonde Avenue currently have no improved sidewalks. Staff is working with the petitioner to develop plans for the installation of the remaining sidewalks.

Staff is recommending approval of the petition subject to the conditions in the staff report.

Chairperson Ryan then opened the meeting for comments among the Commissioners.

Commissioner Olbrysh stated that the big issue is the vehicles being driven for testing purposes. He stated that one of the conditions in the staff report prohibits this. He mentioned that test driving in the parking lot should also be considered. However, this will only partially resolve the issue because of the other dealership across the street. He stated that there is nothing we can do with the other dealership. He stated that he assumed that both dealerships are using that circle to test cars. He stated that the neighborhood won't be free of this issue unless speed bumps are installed on LaLonde.

Commissioner Sweetser stated that she agreed and that the issue needs to be dealt with.

Christopher Stilling stated that the area to the north is unincorporated.

Commissioner Sweetser asked if the street could be blocked off or if this would be up to the County.

Mr. Stilling stated that the street and properties to the north are not within our ultimate planning jurisdiction. He stated that it was unlikely that the Village could initiate speed bumps being installed. Residents would need to approach the township but the Village cannot perform the work.

Commissioner Sweetser stated that 9 p.m. sounds reasonable for noise and there should be no repairs sounds after 9 p.m.

Chairperson Ryan suggested adding a ninth condition.

Commissioner Olbrysh stated that condition 3 should include the parking lot as part of the condition.

Commissioner Sweetser stated that she would like to direct staff to work with the County or Township. She asked how they would monitor the impact on the neighborhood.

Mr. Stilling stated that condition 5 states that the conditional use can be revoked if the conditions of approval are not followed. The residents will let us know so we can be proactive.

On a motion by Commissioner Olbrysh and a second by Commissioner Sweetser, the Plan Commission voted 4 to 0 that the Village Board **approve** the petition based on the finding that the petitioner had met the required Standards as set forth in the Zoning Ordinance.

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings of the Inter-departmental Review Report as the findings of the Plan Commission and recommend to the Corporate Authorities **approval** of PC 09-10, subject to the following amended conditions:

1. The subject property shall be developed in substantial compliance with the site and landscape plans prepared by KB Partnership, dated May 19, 2009 and submitted as part of this petition, except as they may be changed to conform with to Village codes and the following conditions below.
2. The petitioner shall submit for final approval a Plat of Consolidation to consolidate the five (5) lots and the vacated alley into one lot no later than three (3) months from the approval of the ordinance.
3. Vehicles from the subject property which are for sale, being serviced, or being repaired shall not be driven for testing purposes in the residential neighborhood north of the subject property or within the parking lot on the subject property.
4. The conditional uses for automobile service and automobile repair shall be limited to vehicles for sale by European Auto Exchange and the personal automobiles of their customers.
5. Any violation of the provisions set forth within the approved conditional use may result in a revocation of the Conditional Use for the property.
6. As part of the approval, the petitioner shall also address all comments included within the IDRC Report.
7. The petitioner shall address all Private Engineering Services punch list items as outlined in the May 13, 2009 letter including the installation of the sidewalk along Grace Street and Lalonde Avenue in a manner acceptable to the Director of Community Development no later than three (3) months form the approval of the ordinance.

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8. All conditions associated with Ordinance 6161 (PC 08-05) shall remain in full force and effect.
9. No automobile service or automobile repair shall occur on the subject property later than 9 p.m.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

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